

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In Re Ex Parte Application of BAYERISCHE
MOTOREN WERKE AG

Applicant,

For an Order Pursuant to 28 U.S.C. Section
1782 Granting Leave to Obtain Discovery
for Use in Foreign Proceeding.

USDC SDNY
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DATE FILED: 4/6/2022

Case No. 22-mc-00094 (NSR)

**ORDER GRANTING EX PARTE APPLICATION FOR LEAVE
TO OBTAIN DISCOVERY PURSUANT TO 28 U.S.C. § 1782**

Upon review and consideration of Bayerische Motoren Werke AG's *Ex Parte* Application Pursuant to 28 U.S.C. § 1782 for an Order to Obtain Discovery for Use in Foreign Proceedings and Memorandum of Law, draft subpoenas attached thereto as Exhibits A and B, accompanying Memorandum of Law, and Declarations of Lionel M. Lavenue and Tilman Muller-Stoy (collectively, the "Application"), seeking an order authorizing the issuance of subpoenas requiring Atlantic IP Services LLC to provide documents and testimony for use in connection with patent litigation in Germany. The Court, being fully advised, having considered the Application, and finding good cause exists to exercise its discretion to do so,

HEREBY GRANTS the Application. It is further:

1. ORDERED that Applicant, by and through its counsel, is granted leave to issue a subpoena containing document requests in substantially similar form as those attached to the Application as Exhibit A, to Atlantic IP Services LLC (the “Document Subpoena”), pursuant to the Federal Rules of Civil Procedure, and pursuant thereto to require it to produce documents, within 14 days of receipt of same (or on another mutually-agreeable date selected by the Applicants and Atlantic IP Services LLC) to Finnegan, LLP, 1875 Explorer Street; Suite 800, Reston, VA 20190-602, or to any other location mutually-agreeable to the Applicants and Atlantic IP Services LLC.
2. It is FURTHER ORDERED that Applicant, by and through its counsel, is granted leave to issue a subpoena containing deposition topics in substantially similar form attached to the Application as Exhibit B to Atlantic IP Services LLC (the “Deposition Subpoena”), pursuant to the Federal Rules of Civil Procedure, and pursuant thereto to require it to appear for a remote deposition via video-conferencing technology (e.g., Zoom), to be arranged by Applicants, and which will be recorded by video and stenographically by a company engaged in such service to be designated by Applicants, within 14 days of Atlantic IP Services LLC’s compliance with the Document Subpoena (or on another mutually agreeable date selected by the Applicants and Atlantic IP Services LLC).

IT IS SO ORDERED on this 6 day of April, 2022.

The Clerk of Court is kindly
directed to terminate the
motion at ECF No. 1.


UNITED STATES DISTRICT JUDGE